

Raymond P. Niro
Vasilios D. Dossas
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

Gregory D. Phillips (4645)
Kevin A. Howard (4343)
HOWARD, PHILLIPS & ANDERSEN
560 East 200 South, Suite 300
Salt Lake City, Utah 84102
(801) 366-7471

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

DELL INC., FUJITSU LIMITED,
FUJITSU COMPUTER SYSTEMS
CORP., MPC COMPUTERS, LLC, and
SONY ELECTRONICS INC.,

Defendants.

SONY ELECTRONICS INC., a Delaware
corporation,

Third-Party Plaintiff,

vs.

ASUSTEK COMPUTER, INC., ASUS
COMPUTER INTERNATIONAL,
WINBOND ELECTRONICS
CORPORATION, AND ITE TECH. INC.,
Third-Party Defendants.

**ADAMS' MOTION FOR LEAVE TO FILE
AN AMENDED CROSS-CLAIM
AGAINST THIRD-PARTY
DEFENDANTS**

Civil No. 1:05-CV-64

The Honorable Ted Stewart
Magistrate Judge David Nuffer

Plaintiff Phillip M. Adams & Associates, L.L.C. ("Adams") moves this Court for leave to file an amended cross-claim adding a misappropriation of trade secrets count against the third-party defendants, Winbond Electronics Corp. ("Winbond"), Asustek Computer, Inc. and ASUS Computer International (collectively, "ASUS"), and ITE Tech. Inc. ("ITE"). The Court has only recently allowed Sony to bring these third-party defendants into this lawsuit; and Adams has only recently cross-claimed against them. Adams has now formulated this claim against the third-party defendants in conjunction with the filing of a second lawsuit in this Court against other third parties. Thus, Adams has not delayed in bringing the present motion. The granting of this motion will conserve judicial resources and help Adams pursue all his claims in one case in an expeditious and efficient manner. It will not prejudice the third-party defendants, as fact discovery involving them has not even started. Adams and the third-party defendants have just initiated written discovery and have not taken any depositions.

Therefore, Adams respectfully requests that the Court grant this motion.

DATED: September 11, 2007.

HOWARD, PHILLIPS & ANDERSEN

/s/ Gregory D. Phillips
By: Gregory D. Phillips

CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, September 11, 2007, I electronically filed a true and correct copy of **ADAMS' MOTION FOR LEAVE TO FILE AN AMENDED CROSS-CLAIM AGAINST THIRD-PARTY DEFENDANTS** with the Clerk of the Court using the CM/ECF system.

HOWARD, PHILLIPS & ANDERSEN

/s/ Gregory D. Phillips
By: Gregory D. Phillips